

# Senate File 578 - Reprinted

SENATE FILE 578

BY COMMITTEE ON WAYS AND MEANS

(SUCCESSOR TO SF 359)

(SUCCESSOR TO SSB 1121)

(As Amended and Passed by the Senate March 22, 2021)

## A BILL FOR

1 An Act relating to the powers and duties of the department of  
2 agriculture and land stewardship, including by providing for  
3 administration, programs, and regulations, providing fees,  
4 providing penalties, and making penalties applicable.  
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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DIVISION I

DEPARTMENTAL ORGANIZATION

Section 1. Section 159.5, subsection 7, Code 2021, is amended to read as follows:

~~7. Establish and maintain a marketing news service bureau in the department which shall, in cooperation with the federal market news and grading division~~ Cooperate with the agricultural marketing service of the United States department of agriculture, to collect and disseminate data and information relative to the market prices and conditions of agricultural products raised, produced, and handled in the state.

DIVISION II

ANIMALS

PART A

COMMERCIAL ESTABLISHMENTS

Sec. 2. Section 162.2A, subsection 3, paragraph d, Code 2021, is amended by striking the paragraph.

PART B

FOREIGN ANIMAL DISEASE CONTROL

Sec. 3. Section 22.7, Code 2021, is amended by adding the following new subsection:

NEW SUBSECTION. 39A. Information related to the registration and identification of any premises where animals are kept as authorized pursuant to the foreign animal disease preparedness and response strategy as provided in section 163.3C.

Sec. 4. Section 163.3C, Code 2021, is amended by adding the following new subsection:

NEW SUBSECTION. 3. a. In developing and establishing a foreign animal disease preparedness and response strategy, the department may collect, maintain, and use information related to the registration and identification of any premises where animals are kept. The information may include but is not limited to all of the following:

(1) The name, address, and contact information of an

1 interested person.

2 (2) The location of the premises where the animals are kept.

3 (3) An identification number assigned to the premises where  
4 the animals are kept.

5 b. The information described in paragraph "a" is a  
6 confidential record as provided in section 22.7. Nothing  
7 in this subsection limits the department in acting as the  
8 lawful custodian of the confidential record from disclosing  
9 the record or any part of the record to another person if the  
10 department determines that such disclosure will assist in  
11 implementing, administering, or enforcing the foreign animal  
12 disease preparedness and response strategy.

13 DIVISION III

14 FERTILIZERS AND SOIL CONDITIONERS

15 Sec. 5. Section 200.3, subsection 24, Code 2021, is amended  
16 by striking the subsection.

17 Sec. 6. Section 200.14, Code 2021, is amended to read as  
18 follows:

19 **200.14 Rules.**

20 1. a. ~~The secretary is authorized, after public hearing,~~  
21 ~~following due notice, to~~ department may adopt rules setting  
22 forth pursuant to chapter 17A providing minimum general  
23 safety standards for the design, construction, location,  
24 installation, and operation of equipment for storage, handling,  
25 transportation by tank truck or tank trailer, and utilization  
26 of anhydrous ammonia fertilizers and soil conditioners.

27 ~~a.~~ b. The rules shall be such as are reasonably necessary  
28 for the protection and safety of the public and persons using  
29 anhydrous ammonia fertilizers or soil conditioners, and shall  
30 be in substantial conformity with the generally accepted  
31 standards of safety.

32 ~~b.~~ ~~Rules that are in substantial conformity with the~~  
33 ~~published standards of the agricultural ammonia institute for~~  
34 ~~the design, installation and construction of containers and~~  
35 ~~pertinent equipment for the storage and handling of anhydrous~~

1 ammonia, shall be deemed to be in substantial conformity with  
2 the generally accepted standards of safety.

3 2. c. Anhydrous ammonia Fertilizer and soil conditioner  
4 equipment shall be installed and maintained in a safe operating  
5 condition and in conformity with rules adopted by the secretary  
6 department.

7 3. 2. The secretary shall enforce ~~this chapter~~ and, after  
8 due publicity and due public hearing, department may adopt such  
9 reasonable rules as may be necessary in order to carry into  
10 effect the purpose, ~~and intent~~ and to secure the efficient  
11 administration, of ~~this chapter~~.

12 4. 3. ~~This chapter~~ does not prohibit the use of storage  
13 tanks smaller than transporting tanks nor the transfer of all  
14 kinds of ~~fertilizer including anhydrous ammonia fertilizers~~  
15 or soil conditioners directly from transporting tanks to  
16 implements of husbandry, if proper safety precautions are  
17 observed.

#### 18 DIVISION IV

#### 19 WEIGHTS AND MEASURES

#### 20 PART A

#### 21 GENERAL

22 Sec. 7. Section 214.1, Code 2021, is amended by adding the  
23 following new subsection:

24 NEW SUBSECTION. 6. "*Weighmaster*" means a person who keeps  
25 and regularly uses a commercial weighing and measuring device  
26 to accurately weigh objects for others as part of the person's  
27 business operated on a profit, cooperative, or nonprofit basis.

28 Sec. 8. Section 214.3, subsection 1, Code 2021, is amended  
29 to read as follows:

30 1. The A license issued by the department for the inspection  
31 of a commercial weighing and measuring device shall expire on  
32 December 31 of each year, and for a motor fuel pump on June 30  
33 of each year. ~~The amount of the fee due for each license shall~~  
34 ~~be as provided in subsection 3, except that the fee for a motor~~  
35 ~~fuel pump shall be four dollars and fifty cents if paid within~~

1 ~~one month from the date the license is due.~~

2 Sec. 9. Section 214.3, subsection 3, paragraph e,  
3 subparagraph (2), Code 2021, is amended to read as follows:

4 (2) Retail motor fuel pump, nine four dollars and fifty  
5 cents.

6 Sec. 10. Section 214.4, subsection 1, unnumbered paragraph  
7 1, Code 2021, is amended to read as follows:

8 If the department does not receive payment of the license  
9 fee required pursuant to section 214.3 within one month from  
10 the due date, the department shall ~~send~~ deliver a notice to  
11 the owner or operator of the device. ~~The notice shall be~~  
12 ~~delivered by certified mail.~~ The notice shall state all of the  
13 following:

14 Sec. 11. Section 214.6, Code 2021, is amended to read as  
15 follows:

16 **214.6 Oath Duties of weighmasters weighmaster.**

17 ~~All persons keeping a commercial weighing and measuring~~  
18 ~~device, before entering upon their duties as weighmasters, A~~  
19 ~~weighmaster shall be sworn before some person having authority~~  
20 ~~to administer oaths, to keep their~~ ensure that a commercial  
21 weighing and measuring device is correctly balanced, to make  
22 true weights, and ~~to~~ shall render a correct account to the  
23 person having weighing done.

24 Sec. 12. Section 214.11, Code 2021, is amended to read as  
25 follows:

26 **214.11 Inspections — recalibrations — penalty.**

27 1. The department shall provide for annual inspections  
28 of all motor fuel pumps, including but not limited to motor  
29 fuel blender pumps, licensed under this chapter. Inspections  
30 shall be for the purpose of determining the accuracy ~~of the~~  
31 ~~pumps' measuring mechanisms, and for such~~ and correctness of  
32 motor fuel pumps. For that purpose the department's inspectors  
33 may enter upon the premises of any wholesale dealer or retail  
34 dealer, ~~as they are defined in~~ section 214A.1, of motor fuel  
35 ~~or fuel oil within this state.~~

1     2. Upon completion of an inspection, the inspector shall  
 2 affix the department's seal to the measuring mechanism of the  
 3 motor fuel pump. The seal shall be appropriately marked,  
 4 dated, and recorded by the inspector. If the owner of an  
 5 inspected and sealed motor fuel pump is registered with the  
 6 department as a servicer in accordance with [section 215.23](#),  
 7 or employs a person so registered as a servicer, the owner  
 8 or other servicer may open the motor fuel pump, break the  
 9 department's seal, recalibrate the measuring mechanism if  
 10 necessary, and reseal the motor fuel pump as long as the  
 11 department is notified of the recalibration within forty-eight  
 12 hours, ~~on a form~~ in a manner provided by the department.

13     ~~2.~~ 3. A person violating a provision of [this section](#) is,  
 14 upon conviction, guilty of a simple misdemeanor.

## PART B

## MOTOR FUEL

17     Sec. 13. Section 214A.2A, subsection 1, Code 2021, is  
 18 amended to read as follows:

19     1. Fuel which is sold or is kept, offered, or exposed for  
 20 sale as kerosene shall be labeled as kerosene. The label  
 21 shall include the word "kerosene" ~~and a~~ or the designation as  
 22 ~~either "K1" or "K2"~~ "K1 kerosene", and shall indicate that  
 23 the kerosene is in compliance with the standard specification  
 24 adopted by A.S.T.M. international specification D3699 (1982).

25     Sec. 14. REPEAL. Section 214A.15, Code 2021, is repealed.

## PART C

## INSPECTIONS

28     Sec. 15. Section 215.4, Code 2021, is amended to read as  
 29 follows:

30     **215.4 Tag for inaccurate or incorrect device — reinspection**  
 31 **— license fee.**

32     A commercial weighing and measuring device found to be  
 33 inaccurate or incorrect upon inspection by the department  
 34 shall be rejected or tagged "condemned until repaired" and  
 35 the ~~"licensed for commercial use"~~ inspection sticker shall be

1 removed. If notice is received by the department that the  
 2 device has been repaired and upon reinspection the device is  
 3 found to be accurate or correct, ~~the a~~ license fee ~~shall not~~  
 4 may be charged for the reinspection. However, a second license  
 5 fee shall be charged if upon reinspection the device is found  
 6 to be inaccurate. The device shall be tagged "condemned" and  
 7 removed from service if a third reinspection fails.

8 Sec. 16. Section 215.7, Code 2021, is amended to read as  
 9 follows:

10 **215.7 Transactions by false weights or measures.**

11 1. A person shall be deemed to have violated the provisions  
 12 of this chapter and ~~shall be punished as provided in chapter~~  
 13 ~~189,~~ if the person does any of the following apply:

14 ~~1. a.~~ Sells, trades, delivers, charges  
 15 for, or claims to have delivered to a purchaser an amount  
 16 of any commodity which is less in weight or measure than  
 17 that which is asked for, agreed upon, claimed to have been  
 18 delivered, or noted on the delivery ticket.

19 ~~2. b.~~ Makes a settlement for or enters  
 20 a credit, based upon any false weight or measurement, for any  
 21 commodity purchased.

22 ~~3. c.~~ Makes a settlement for or enters  
 23 a credit, based upon any false weight or measurement, for any  
 24 labor where the price of producing or mining is determined by  
 25 weight or measure.

26 ~~4. d.~~ Records a false weight or  
 27 measurement upon the weight ticket or book.

28 2. The department may adopt rules pursuant to chapter 17A  
 29 that allow for reasonable variations and exceptions for small  
 30 packages.

31 3. A person who violates this section is guilty of a simple  
 32 misdemeanor.

33 Sec. 17. Section 215.23, Code 2021, is amended to read as  
 34 follows:

35 **215.23 Servicer's license.**





1 and land stewardship, shall establish a farm-to-table task  
2 force.

3 2. The purpose of the task force is to recommend how  
4 institutional purchasers, including schools, may be provided  
5 with long-term practical options to routinely acquire fresh  
6 food derived from locally or regionally produced and processed  
7 farm commodities, including meat, poultry, fish, and dairy  
8 products; eggs; vegetables; fruits; nuts; and honey.

9 3. The task force shall consider methods to do all of the  
10 following:

11 a. Improve direct farmer to consumer transactions.

12 b. Better integrate existing public and private procurement  
13 and nutritional programs, including but not limited to the  
14 farm-to-school program as provided in chapter 190A; the from  
15 farm to food donation tax credit as provided in chapter 190B,  
16 subchapter I; the Iowa emergency food purchase program as  
17 provided in chapter 190B, subchapter II; and the local food and  
18 farm program as provided in chapter 267A.

19 4. a. The task force shall be jointly chaired by the vice  
20 president for extension and outreach of Iowa state university  
21 of science and technology, or a designee; and the secretary of  
22 agriculture, or a designee. The chairpersons of the task force  
23 shall appoint remaining voting members to serve on the task  
24 force.

25 b. The Iowa cooperative extension service in agriculture  
26 and home economics shall provide meeting rooms, materials, and  
27 staffing services for the task force.

28 5. The task force shall prepare and submit a report to  
29 the governor and general assembly not later than December 10,  
30 2021. The report shall include findings and recommendations,  
31 including any proposed legislation, and a suggested timeline  
32 for implementation of the task force's recommendations.

33 6. This section is repealed December 11, 2021.